REMARKS

SUMMARY

Claims 1-21 were rejected in the above-identified Office Action. Claims 22, 23, and 24 have been added. Accordingly, claims 1-24 are pending in the application.

Applicants appreciatively acknowledge the Examiner's consideration of and response to Applicants' arguments as presented in the Response filed on February 1, 2007.

CLAIM OBJECTIONS

In "Claim Objections," item 2 on page 2 of the above-identified Office Action, claims 1, 11, and 21 are objected because of informalities. More specifically, the Examiner notes that the phrase "unnested data processing cell with respect to each other" requires syntactic adjustment to be commensurate with the originally filed specification.

The Examiner pointed out on page 2 that "[l]acking a deliberate definition of the term 'unnested' any where … in the disclosure, it would be impossible to give such phrase 'unnested …with respect to each other' a meaning that would be reasonably different from what is observed from the nested cells…" The Examiner further addresses the issues raised in "Claim Objections" in "Claim Rejections - 35 U.S.C §112."

The Applicants respectfully disagree with the Examiner's opinion regarding this written description issue. As shown on page 7 of the specification, the "unnested" relationship of cell specifications is recited explicitly in the example, because the "calculate", "action", "setup" and "init" cell specifications are located at the same level in the structure and are out of the scope of each other so that the relationship between these cell specifications is "unnested." According the MPEP §2163.II.A.3. (b), "[t]o comply with the written description requirement of 35 U.S.C. 112, para. 1… each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure." Therefore, the example mentioned should be deemed as express support of the "unnested" limitation recited by claim 1.

Furthermore, according to MPEP §2163.II.A.2, "[g]enerally, there is an inverse correlation between the level of skill and knowledge in the art and the specificity of disclosure necessary to satisfy the written description requirement. Information which is well known in the art need not be described in detail in the specification." People skilled in the art of XSLT technology are familiar with "nested" relationships, in which parent elements contain child elements, and with "unnested" relationships, in which elements in the relationship are at the same level as each other and out of the scope of each other. Based on this understanding, and considering the level of people skilled in the art, the instant application is able to meet the requirement of written description even though the Applicants did not spend many words in explaining the relationship between cells in the example.

The Examiner also pointed out on pages 2 and 4 respectively that "…examples as shown cannot be representative of the claimed invention alone since they are mere variances of more than on embodiments unless the disclosure specifically indicates otherwise" and "[a] disclosure cannot be fulfilling description of an invention in terms of USC 101 requirement just be way of examples alone, unless other wise specified or declared accordingly."

Again, the Applicants respectfully disagree with this opinion. According to 35 U.S.C. §112 para. 1 "[t]he specification shall contain a written description of the invention…." There is no exception in this statute stating that examples are not sufficient enough to qualify as written description. As regulated in MPEP §2163.II.A.2, "the examiner should review the claims and the entire specification, including the specific embodiments, figures, and sequence listings, to understand how applicant provides support for the various features of the claimed invention." Examples, which are important constituents of the specification, should not be treated differently than other parts of the specification, such as the summary or embodiments. All are of same weight in supporting the claims.

Moreover, 35 U.S.C. §101 is the statutory definition of patentable inventions and is not directly related to the requirement for written description. As long as the subject matter is "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof", the requirement of 35 U.S.C. §101 is fulfilled.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112," item 4 on page 7 of the above-identified Office Action, claims 1-21 have been rejected as failing to comply with the written description requirement by 35 U.S.C. § 112 para 1. Detailed explanation is provided in the above response to "Claims Objections." Further, the Examiner's asserted on page 7 that "…the crux of the claimed invention has to be based on the description in the Disclosure as a whole, not just an example or variance thereof…." There is, however, no requirement for the applicant to recite every feature disclosed in the specification in a claim. According to 35 U.S.C. § 112, the role of a claim is "particularly pointing out an distinctly claiming the subject matter which the applicant regards as his invention." Therefore, the applicant believes that claim 1-21 fullfill the requirement of 35 U.S.C. § 112 para 1 for written description.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 6 on page 8 of the above-identified Office Action, claims 1-6, 8-16, and 18-21 have been rejected under 35 U.S.C. § 102(e) is being anticipated by *Renner et al.,* U.S. Patent Number 6,993,657 (hereinafter "*Renner*").

According to the method described in claim 1, there is an order of analysis that the first data processinig cell is analyzed before the second cell. Also there is an order of data processing that may not necessarily follow the order of analysis because the first data processing cell has a dependency on the second. Therefore, a determination has to be made in the second step of the method to decide the order of data processing.

In contrast, *Renner* merely discloses the use of XSLT to transform XML files into HTML files, as is well known in the art. Nowhere in *Renner* does one find anything reading on a data processing cell specification, much less first and second data processing cell specifications, "unnested with respect to each other, with each data processing cell specification having a plurality of statements including a formula specifying an action or

computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell."

As mentioned previously in this response, the "nested" relationship of cells means that one cell is within the scope of another. And the "unnested" relationship of cells means that cells are at located at the same level and are out of the scope of each other. As described in the response to "Claim Objections," the limitation of the first and second cell specifications being "unnested with respect to each other" is fully supported by the instant application. A prior art reference has to disclose every limitation of a claim in order to anticipate it. However, *Renner* is not eligible to do so. The Examiner, on pages 9-10 of the Office Action, cites 3 pairs of XSLT lines from Table 4 of *Renner* as reading on the first and second data processing cell specifications: lines 33 and 36, lines 39 represent the first group of cells and 34, and lines 37 and 40 represent the second. However, the second cells in line 34, 37 and 40 are located within the scope of the first cells in line 33, 36 and 39 respectively. This means that the relationship between the first and second cell specifications in *Renner* is nested, and these pairs of XSLT lines simply cannot read on claim 1.

While Table 4 does show some data processing cell specifications that are unnested with respect to each other, none of these read on "a first and a second data processing cell specification, unnested with respect to each other, specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell" (emphasis added), as is claimed in claim 1. Among the Table 4 elements in *Renner*, the cell to be analyzed first will be always processed first as well, and never has a data dependency on any cell to be processed and analyzed second. So *Renner* simply does not teach unnested data processing cell specifications having such data dependencies on each other as state in claim 1 of the instant appplication.

Even if one were to assume for the sake of argument that Renner discloses or suggests first and second data processing cell specifications, unnested with respect to each other, having data dependencies on each other (a point with which Applicants strongly disagree), *Renner* does not teach "analyzing … the first and then the second data processing cell specification to determine execution order" of the specified actions/computations. Rejections under 35 U.S.C. §102 require that the reference explicitly or inherently disclose each and every limitation of the rejected claims. Nowhere in *Renner*, even in the portion pointed out by the Examiner (col. 38, line 28 to col. 42, line 34) does one can find any analysis of cell specifications for the purpose of determining execution order of those cell specifications and their actions/computations. Further, by utilizing the ordered tree structure of XSLT, including nesting of data processing cells, *Renner* teaches away from determining execution order based on analysis of the first and second cell specifications. The ordered, tree structure-based method of execution order applies to each and every specification regardless of the interactions/computations of the cell specifications of each specification.

The Examiner argues on page 18 of the Office Action that determining an execution order is inherent to a parsing engine and that the claim lacks in details on how analyzing a first cell prior to a second cell would be different from the cell specification by *Renner*. As stated previously, however,unnested cells in *Renner* do not have such relationship that, even though the first cell is analyzed before the second, it has a data dependency on the second, which means a determination has to be made that the second cell will be processed prior to the first one during data processing. This kind of analysis does not exist in *Renner* among their unnested cells because cells analyzed prior than others will be processed before others as well, as described above.

Accordingly, claim 1 is patentable over *Renner* under §102. Claims 11 and 21 recite limitations similar to those of claim 1, and accordingly are patentable over *Renner* for at least the same reasons.

Also, the Applicants now add claims 22, 23, and 24 in order to better illustrate the determination process. Page 5, para. 2 of the specification of the instant application reads "determining the execution flow of their x-cells,... 'documenting' the flows in execution flow descriptions...." This means that once the processing order is determined, it is saved in a memory device (i.e., "documented"). This limitation has not been disclosed in *Renner*, and it is also unnecessary for *Renner* to do so because, for those unnested cells in *Renner*, the order of data processing is the same as the order of analysis. However, to the instant invention as claimed in claims 1, 11, and 21, this limitation indicates that the order of data processing is unpredictable before analysis is finished and may be different from the order of analysis. Therefore, it is advantageous to save the determined order in memory.

Claims 2-6, 8-10, 12-16, 18-20 depend on either claim 1 or 11, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 22-6, 8-10, 12-16, 18-20 are patentable over the *Renner* under §102.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103" item 8 on page 13 of the above-identified Office Action, claims 7 and 17 have been rejected under 35 U.S.C. § 103(a) as being obvious over *Renner* as applied to claims 1 and 11 in view of W3C publications "XML Path Language (XPath) Version 1.0" (hereinafter "XPath") and "XSL Transformations (XSLT) Version 1.0" (hereinafter "XSLT") that are purportedly stable documents published as W3C recommendations on 16 November 1999. For at least the reasons previously provided, Applicants respectfully disagree.

XPath and XSLT, alone or in combination, do not remedy the above-discussed deficiencies of *Renner*. Therefore, claims 1 and 11 remain patentable over *Renner*, XPath, and XSLT, alone or in combination, under 35 U.S.C. §103(a).

Claims 7 and 17 depend on claims 1 and 11, incorporating their limitations respectively. Therefore, for at least the same reasons, Claims 7 and 17 are patentable over *Renner*, XPath, and XSLT, alone or in combination, under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-24 are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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